

HEALTH AND HUMAN SERVICES LEGISLATION
INTRODUCED DURING THE 2004 ANNUAL GENERAL SESSION

MARCH 2004

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| Category | # of Bills Passed | # of Bills Not Passed | Total |
|-------------------------------|------------------------------|----------------------------------|-----------------|
| Abortion | 2 | 4 | 6 |
| Adoption | 3 | 2 | 5 |
| Aging | 1 | 0 | 1 |
| At-Risk Children | 0 | 3 | 3 |
| Child Welfare | 17 ¹ | 13 | 30 ¹ |
| Emergency Medical Services | 1 | 1 | 2 |
| Ethnic Health | 1 | 0 | 1 |
| Fluoride | 0 | 3 | 3 |
| Health Insurance | 11 | 6 | 17 |
| Health Providers/Professions | 12 | 10 | 22 |
| Local Authorities/Departments | 1 | 0 | 1 |
| Medicaid | 3 | 2 | 5 |
| Mental Health | 2 | 3 | 5 |
| Miscellaneous | 9 | 2 | 11 |
| Obesity | 1 | 1 | 2 |
| Persons With a Disability | 4 ² | 0 | 4 ² |
| Pharmaceuticals | 0 | 3 | 3 |
| Public Health | 1 | 0 | 1 |
| Substance Abuse | 1 | 3 | 4 |
| Tobacco | 6 | 0 | 6 |
| Unintentional Injuries | 0 | 2 | 2 |
| Total | 76 | 58 | 134 |

¹ H.B. 140, Child and Family Services and Related Judicial Code Amendments, was vetoed by the governor.

² H.B. 115, Carson Smith Special Needs Scholarships, was vetoed by the governor.

ABORTION

S.B. 68 *Prohibition of Public Funding for Abortion* (Sen. C. Bramble)

This bill modifies the offenses against the family section of the Utah Criminal Code.

This bill:

- ▶ prohibits the state and political subdivisions from using public funds for the performance of an abortion; and
- ▶ provides a penalty for anyone who knowingly authorizes the use of public funds for an abortion.

S.B. 69 *Partial Birth Abortion Amendments* (Sen. C. Bramble)

This bill modifies sections of the Utah Criminal Code relating to partial birth abortion.

This bill:

- ▶ revises definitions;
- ▶ prohibits and makes criminal and civil penalties for a physician that performs a partial birth abortion;
- ▶ provides and sets limitations on remedies for a father or the maternal grandparents of the fetus;
- ▶ provides that a physician accused of an offense of performing a partial birth abortion is entitled to a hearing before the Physicians Licensing Board or Osteopathic Physician and Surgeon's Licensing Board to determine the necessity of the physician's conduct;
- ▶ providing for contingent continuance of prior law; and
- ▶ makes technical changes.

Not Passed

H.B. 141 Abortion Law Amendments

H.J.R. 19 Resolution Urging Support of Federal Law Prohibiting partial Birth Abortion

H.J.R. 24 Joint Resolution Regarding Roe v. Wade

S.J.R. 3 Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion.

ADOPTION

H.B. 200 *Recognition of Foreign Adoptions* (Rep. W. Harper)

This bill establishes a section giving full faith and credit to an adoption order issued by a foreign country for an alien child.

This bill:

- ▶ recognizes an adoption order issued by a foreign country;
- ▶ provides that a petition for registration of a foreign adoption order may be combined with a petition for a name change; and
- ▶ requires the court to order the clerk of the court to file the order and file a certificate of birth.

H.B. 275 *Adoption Amendments* (Rep. A. Hardy)

This bill amends provisions relating to adoption procedures and adoptive evaluations.

This bill:

- ▶ amends who may receive a criminal history report;
- ▶ expands which reports and information are confidential;
- ▶ authorizes an agency to provide an adoption report to certain other persons in connection with an adoption;
- ▶ changes the timeliness on conducting a preplacement adoptive evaluation;
- ▶ requires a person or agency conducting an adoption evaluation to provide the prospective adoptive parent with literature to assist them in connection with the adoption;
- ▶ amends the notice of adoption proceedings;
- ▶ requires a putative father's name to appear on a birth certificate before the relinquishment or consent for adoption;
- ▶ revises provisions for an unmarried, biological father to declare an interest in the child;
- ▶ makes explicit the biological father's rights when the child is conceived by conduct that would constitute a sexual offense;
- ▶ changes provisions regarding contested adoptions;
- ▶ changes time frames for consent or relinquishment in connection with a child placed for adoption;
- ▶ clarifies venue for adoption proceedings; and
- ▶ provides for allowance of interested persons to petition the court to determine the rights of other persons in connection with a child.

H.B. 276 *Adoption Law Revisions* (Rep. R. McGee)

This bill amends provisions regarding reporting requirements for child placing agencies.

This bill:

- ▶ requires a child placing agency to provide to the Office of Licensing within the Department of Human Services an accounting for:
 - fees and expenses in connection with private adoptions; and
 - the state of residence for the birth mother and the adoptive parent or parents.

Not Passed

H.B. 361 Adoption Agency Fees Task Force

S.B. 140 Human Services Licensing Amendments

AGING

H.B. 179 *Vulnerable Adult Abuse Amendments* (Rep. P. Jones)

This bill modifies the Offenses Against the Person section of the Utah Criminal Code.

This bill:

- ▶ makes technical changes to provide consistency with

other sections of the Utah Code.

AT-RISK CHILDREN

Not Passed

- H.B. 236** Families, Agencies, and Communities Together Amendments
- H.B. 284** Special Group License Plate for Children At Risk
- S.B. 61** Acceptance of Federally Funded Breakfast Program for Children

CHILD WELFARE

H.B. 54 *Videotape of Minors (Rep. W. Harper)*

This bill sets specific requirements for interviewing children during investigations into abuse.

This bill:

- ▶ requires that all investigative interviews of children be videotaped or similarly recorded;
- ▶ requires that the child and interviewer be simultaneously recorded;
- ▶ requires that the recording be continuous and display time and date; and
- ▶ encourages a worker to audiotape all interviews that are not videotaped.

H.B. 60 *Protection of Children in Foster Care (Rep. D. Litvack)*

This bill modifies Division of Child and Family Services provisions.

This bill:

- ▶ gives the Department of Human Services access to provide a complete case history contained in the Management Information System for the purpose of licensing and monitoring foster parents;
- ▶ gives the Office of the Guardian Ad Litem access only to information about children and families where it has been appointed by a court to represent the interests of the children; and
- ▶ provides restrictions and outlines security required for information in the Management Information System.

H.B. 61 *Child Welfare Investigations (Rep. M. Thompson)*

This bill amends the Child Welfare Services Code.

This bill:

- ▶ prohibits a state officer, peace officer, or child welfare worker from entering the home of a minor who is not under the jurisdiction of the court, except in specified circumstances; and
- ▶ makes technical changes.

H.B. 90 *Access to Child Welfare Hearings (Rep. M. Morley)*

This bill amends the Judicial Code.

This bill:

- ▶ changes the date on which any person may be admitted to a child abuse, neglect, or dependency hearing in juvenile court from July 1, 2005 to July 1, 2004.

H.B. 97 *Protective Order Amendments (Rep. K. Holdaway)*

This bill makes changes in the process for filing for child protective orders.

This bill:

- ▶ allows for the transfer of child protection actions from the juvenile court to the district court;
- ▶ requires the clerk of the court to check for any other actions regarding the child:
 - within the courts;
 - within the Division of Child and Family Services; and
 - obtain any reports referred to in the petition as having been made by law enforcement; and
- ▶ reduces the time a respondent can petition for dismissal of the criminal portion of the order from three to two years.

H.B. 120 *Child Welfare Funding for In-home Services (Rep. M. Thompson)*

This bill amends Child and Family Services.

This bill:

- ▶ requires the Division of Child and Family Services to seek funding for in-home services to prevent the removal of children from their homes and promote the preservation of families.

H.B. 140 *Child and Family Services and Related Judicial Code Amendments (Rep. L. Christensen)*

This bill amends child welfare provisions in Child and Family Services and the Judicial Code.

This bill:

- ▶ modifies definitions;
- ▶ exempts health care decisions of a mature minor from the definition of neglect;
- ▶ requires the legislative auditor general to complete an audit of child welfare cases to measure compliance by attorney guardians ad litem with their statutory duties;
- ▶ requires the Child Welfare Legislative Oversight Panel to study and make recommendations on specified child abuse, neglect, and dependency issues;
- ▶ requires the juvenile court to recognize the rights of parents and children and the limits placed on the Division of Child and Family Services;
- ▶ clarifies how a petition before a juvenile court may be dismissed at any stage of the court proceedings;
- ▶ makes amendments regarding appointment of a guardian ad litem;
- ▶ modifies reunification services provisions;
- ▶ requires the court to advise an attorney guardian ad litem of the attorney guardian ad litem's duties;
- ▶ requires an attorney guardian ad litem to timely

- communicate with the parents or guardian of a minor;
- ▶ prohibits an attorney guardian ad litem from making public statements about a child abuse, neglect, or dependency case; and
- ▶ makes technical corrections.

(H.B. 140 was vetoed by the Governor)

H.B. 186 Evaluation and Counseling Prior to Termination Proceedings (Rep. M. Thompson)

This bill modifies sections of the Judicial Code dealing with Juvenile Court proceedings.

This bill:

- ▶ allows the juvenile court to appoint any qualified mental health therapist; and
- ▶ prohibits the juvenile court from excluding a mental health therapist because they have not followed the recommendations of the Division of Child and Family Services in another case.

H.B. 197 Limit on Child Welfare Recommendations and Rulings (Rep. M. Thompson)

This bill amends the Administrative Procedures Act and the Judicial Code.

This bill:

- ▶ limits factors that may be considered when an agency or court recommends or rules on the custody, placement, or other disposition alternative of a minor, or the termination of parental rights.

H.B. 198 Child Welfare Court Reports (Rep. M. Thompson)

This bill amends the Judicial Code to create a disclosure requirement for information used in child welfare proceedings.

This bill:

- ▶ requires a party to a child welfare proceeding to share information with other parties within specified time frames; and
- ▶ creates an exception for pretrial and certain drug court hearings.

H.B. 259 Special Needs Adoption - Preplacement Evaluations (Rep. A. Hardy)

This bill modifies adoption provisions in the Judicial Code.

This bill:

- ▶ requires that the preplacement evaluation of a special needs child be conducted by the Department of Human Services or a licensed child placing agency contracted by the division to conduct preplacement evaluations; and
- ▶ requires the adoptive parent or parents to pay for any fee assessed by the evaluating agency.

H.B. 268 Child Welfare Processes (Rep. M. Thompson)

This bill amends Child and Family Services and the Judicial Code and creates the Office of Child Welfare Parental

Defense.

This bill:

- ▶ amends the definition of "protective services";
- ▶ requires the Division of Child and Family Services to accommodate the moral and religious beliefs, and culture, of those it serves;
- ▶ requires the Division of Child and Family Services to design treatment plans in a manner that minimizes disruption to the normal activities of the child's family;
- ▶ makes corrections to the terms "unsubstantiated" and "substantiated";
- ▶ expands interdisciplinary child protection team membership;
- ▶ requires notice to parents of their rights before conducting a child abuse or neglect investigation;
- ▶ expands who can serve as support persons;
- ▶ limits the types of identifying information that may be stricken from a record released by the Division of Child and Family Services;
- ▶ creates within the Department of Administrative Services the Office of Child Welfare Parental Defense;
- ▶ defines terms;
- ▶ appoints a director to the office;
- ▶ sets forth the duties, functions, and responsibilities of the office;
- ▶ outlines the qualifications, responsibilities, and standards for a contracted parental defense attorney;
- ▶ classifies records of a contracted parental defense attorney as protected and indicates that the records may not be released or made public upon subpoena, search warrant, discovery proceedings, or otherwise;
- ▶ provides for child welfare parental defense contracts;
- ▶ creates the Child Welfare Parental Defense Fund and specifies state and county obligations;
- ▶ imposes district court limits on any juvenile court using a parent's disability as a basis for changing a custody award made in district court;
- ▶ modifies access to juvenile court proceedings;
- ▶ prohibits a juvenile court from using disability of a parent as a basis for removing a child from the custody of the parent;
- ▶ requires recording of unauthorized ex parte communications concerning an ongoing case between a judge and other parties to an abuse, neglect, or dependency proceeding;
- ▶ amends preferential placement provisions for children removed from their homes due to abuse, neglect, or dependency;
- ▶ addresses a court determining and defining responsibilities under a treatment plan;
- ▶ requires the Office of the Guardian Ad Litem to make an annual report to the Child Welfare Legislative Oversight Panel;
- ▶ addresses appointment of counsel; and
- ▶ makes conforming changes and technical corrections.

H.B. 303 Child Welfare Revisions (Rep. S. Mascaro)

This bill amends Division of Child and Family Services child abuse, neglect, and dependency investigation requirements.

This bill:

- ▶ modifies the requirement to interview a child's parents or guardian;
- ▶ provides an exception to the unscheduled visit requirement under specified circumstances;
- ▶ makes corrections to the terms "unsubstantiated" and "substantiated"; and
- ▶ makes other technical corrections.

S.B. 79 Repeal of Child Welfare Worker Designations (Sen. D. Eastman)

This bill repeals provisions from Child and Family Services and Personnel Management.

This bill:

- ▶ repeals a provision authorizing the Division of Child and Family Services to certify child welfare social service workers and child welfare social workers for purposes of calculating benefits and salary ranges; and
- ▶ repeals a provision specifying how pay plans for certified child welfare workers are to be developed by the Department of Human Resource Management.

S.B. 81 Child and Family Services - Plea in Abeyance (Sen. P. Hellewell)

This bill amends child and family services provisions in the Utah Human Services Code.

This bill:

- ▶ makes a technical change that requires a court to enter a finding rather than make a determination.

S.B. 104 Selection of Mental Health Therapist in Termination of Parental Rights (Sen. P. Hellewell)

This bill amends the Termination of Parental Rights Act.

This bill:

- ▶ specifies that the juvenile court may not refuse to appoint a mental health therapist because the therapist has not followed the recommendations of the Office of the Guardian Ad Litem in another case; and
- ▶ requires the juvenile court to give strong consideration to the wishes of the parent or guardian regarding the selection of a mental health therapist.

S.B. 179 Expedited Appeals in Child Welfare Cases (Sen. L. Hillyard)

This bill amends provisions relating to appeals from juvenile court cases.

This bill:

- ▶ creates an expedited process for appeals from juvenile court orders;
- ▶ requires the notice of appeal to be signed by appellant's counsel and appellant, unless the

appellant is a minor child or the state;

- ▶ provides that failure to timely sign a notice of appeal results in the dismissal of the appeal;
- ▶ requires the attorney general to represent the state in all appeals under this chapter;
- ▶ requires the court to notify the parties in open court of the requirements regarding filing an appeal;
- ▶ requires parties to an appeal to maintain regular contact with their counsel and keep all other parties and the appellate court informed of their whereabouts;
- ▶ requires the court to inform the parties' counsel of their obligation to represent their clients throughout the appellate process unless relieved of that obligation;
- ▶ repeals the minor and other parties' right to appeal if they were not represented by counsel; and
- ▶ makes technical changes.

Not Passed

H.B. 129 Child Protection Team Meetings

H.B. 151 Protective Custody of Abused, Neglected, or Dependent Children

H.B. 266 Revisions to Child Welfare

S.B. 54 Restructuring Division of Child and Family Services

S.B. 56 Jury Trial for Termination of Parental Rights

S.B. 90 Medical Neglect - Exclusion

S.B. 99 Child and Family Services - Standard of Review

S.B. 100 Adoption Responsibilities - State Oversight

S.B. 103 Child Removal Amendments

S.B. 105 Abuse, Neglect, and Dependency Amendments

S.B. 126 Amendments to Warrants

S.B. 188 Compliance of Treatment Plan

S.B. 211 Management of Guardians Ad Litem by Administrative Office of the Courts

EMERGENCY MEDICAL SERVICES

H.B. 225 Provision for Emergency Medical Services (Rep. P. Wallace)

This bill modifies the Municipal Code and the Health Code by amending provisions related to emergency medical services provided by municipalities.

This bill:

- ▶ requires a municipality that intends to annex a geographic service area and provide emergency medical services to that area to certify to the Department of Health that the municipality can meet current emergency medical service levels;
- ▶ requires the Department of Health to amend a municipality's license for emergency medical services to include the annexed area after final approval of the annexation; and
- ▶ makes technical amendments.

Not Passed

H.B. 134 Provision for Paramedics in Cities or Counties of the Second Class

ETHNIC HEALTH

S.B. 135 *Center for Multicultural Health* (Sen. J. Evans)

This bill amends the Health Code.

This bill:

- ▶ creates the Center for Multicultural Health within the Department of Health;
- ▶ specifies the center's duties;
- ▶ appropriates monies for the center; and
- ▶ requires annual reporting to the Legislature.

FLUORIDE**Not Passed**

H.B. 181 Fluorine Cost Requirements

H.B. 291 Safe Drinking Water Act Amendments

H.B. 324 Safe Drinking Water Act Amendment

HEALTH INSURANCE

H.B. 41 *Health Insurance Coverage for Dependents* (Rep. J. Buffmire)

This bill amends the Insurance Code and clarifies the duties of a Health Maintenance Organization when a court orders a noncustodial parent to provide health insurance.

This bill:

- ▶ requires a health maintenance organization to allow a child who lives outside the organization's service area to enroll in a health plan if the enrollee parent is ordered by a court to provide health insurance;
- ▶ requires a health maintenance organization to pay claims submitted by the out-of-area child in the same manner as the organization pays under a noncapitated arrangement; and
- ▶ provides certain circumstances in which a health maintenance organization does not have to allow the out-of-area child to enroll in the plan.

H.B. 85 *Health Insurance Mandate Amendments* (Rep. R. Lockhart)

This bill amends the health insurance adoption indemnity law.

This bill:

- ▶ amends the adoption indemnity benefit to:
 - remove the requirement for the commissioner to review the adoption indemnity benefit every two years;
 - increase the adoption indemnity benefit to \$4,000; and
 - clarify that a single adoption benefit is payable to an insured adopting multiple children from one birth.

H.B. 94 *Health Insurance Pool* (Rep. C. Bennion)

This bill amends the Budgetary Procedures Act to provide guidance to the governor and the Legislature regarding factors to consider when preparing the budget to fund the Utah Comprehensive Health Insurance Pool.

This bill:

- ▶ amends the Budgetary Procedures Act to provide guidance to the governor and the Legislature regarding factors to consider when preparing the budget to fund the Utah Comprehensive Health Insurance Pool.

H.B. 95 *Clarification of Dependent Health Care Coverage Amendments* (Rep. T. Kiser)

This bill specifies that when a parent is required by court order to provide health insurance to a child who lives outside the insurer's service area, the child is subject to the out-of-service area contract terms of the insurance policy.

This bill:

- ▶ specifies that when a parent is required by court order to provide health insurance to a child who lives outside the insurer's service area, the child is subject to the out-of-service area contract terms of the insurance policy.

H.B. 106 *Health Insurance Act Amendments* (Rep. J. Dunnigan)

This bill amends accident and health insurance provisions related to premium grace periods and discontinuation of coverage in the individual and small employer market.

This bill:

- ▶ changes the grace period for nonpayment of premium to 15 days;
- ▶ clarifies coverage during a grace period;
- ▶ provides that if the Comprehensive Health Insurance Pool is dissolved or discontinued, or if enrollment is capped or suspended, a covered carrier:
 - may elect to discontinue offering new individual health benefit plans but then may not reenter the individual market for five years;
 - may continue to write business in the small employer market; and
 - may decline to accept individuals applying for individual enrollment, other than HIPAA eligible individuals;
- ▶ repeals the provision that links individual premium rates to the rates established by the Comprehensive Health Insurance Pool;
- ▶ amends preexisting conditions waiver provisions for the Comprehensive Health Insurance Pool;
- ▶ amends powers of the board; and
- ▶ makes technical amendments.

H.B. 207 *Health Insurance Amendments* (Rep. R. Lockhart)

This bill makes technical and clarifying changes requested by the Department of Insurance and repeals and reenacts

provisions regarding health insurance conversion rights.

This bill:

- ▶ changes the date of the department's report to the Health and Human Services Interim Committee;
- ▶ grants rulemaking authority to the commissioner to interpret and implement out-of-area dependent coverage;
- ▶ permits an insured to submit an adverse benefit determination to independent review in certain circumstances;
- ▶ requires a certificate of creditable coverage for HIPAA compliance purposes;
- ▶ updates references to Operation Desert Storm to mobilization into the United States armed forces;
- ▶ changes the date on which a small employer carrier must file an actuarial certification from March 15 to April 1;
- ▶ enacts new sections regarding extension of employer group coverage and conversion coverage;
- ▶ repeals sections regarding:
 - conversion rights on termination of coverage;
 - conversion rules;
 - provisions in conversion policies;
 - conversion of health benefit plan;
 - conversion privileges upon retirement;
 - conversion privileges of spouse and child;
 - conversion when benefits differ;
 - converted policies delivered outside Utah; and
 - extension of benefits; and
- ▶ makes technical amendments.

H.B. 218 *Private Health Insurance - Waiver of Health Condition* (Rep. C. Bennion)

This bill amends the Individual, Small Employer Group Health Insurance Act to create condition-specific exclusion riders.

This bill:

- ▶ takes away the commissioner's rulemaking authority to designate the health conditions that may be excluded from health insurance coverage;
- ▶ establishes in statute the specific health conditions that may be excluded from health insurance coverage;
- ▶ expands what is excluded from coverage by excluding treatment and prescription drugs related to that specific condition; and
- ▶ provides that conditions related to cancer or a mastectomy may not be excluded from coverage.

H.B. 245 *Insurance Law Revisions* (Rep. J. Ferrin)

This bill modifies the Insurance Code.

This bill:

- ▶ modifies definition provisions;
- ▶ addresses examination costs;
- ▶ addresses confidentiality and distribution of certain records or documents;
- ▶ corrects cross references;
- ▶ addresses extension of the deadline for filing fee

payments for annual statements;

- ▶ addresses use of technical experts in evaluating mergers and acquisitions;
- ▶ prohibits certain activities related to Social Security numbers;
- ▶ addresses grounds for probation;
- ▶ addresses the deposit of funds by a licensee related to trust obligations for funds collected;
- ▶ modifies the Comprehensive Health Insurance Pool Act including:
 - defining terms;
 - expanding the board;
 - addressing eligibility;
 - addressing preexisting conditions;
 - addressing deductibles and copayments; and
 - repealing employee contribution provisions;
- ▶ enacts the Federal Health Care Tax Credit Program Act;
- ▶ provides a repeal date for the Federal Health Care Tax Credit Program Act; and
- ▶ makes technical changes.

H.B. 358 *Amendments to Access to Health Care Providers* (Rep. B. Dee)

This bill amends the Insurance Code provisions related to access to rural health care providers.

This bill:

- ▶ amends the definition of "independent hospitals" entitled to protection under the access to rural health care provider provisions of the insurance code.

S.B. 14 *Insurance Code Exemption* (Sen. G. Bell)

This bill exempts specified activities from the insurance code.

This bill:

- ▶ provides an exemption from the insurance code for death, accident, health, and disability benefits provided by an Internal Revenue Code Section 501(c)(3) organization to its volunteers under specified circumstances; and
- ▶ makes technical corrections.

S.B. 29 *Access to Rural Health Care Providers* (Sen. L. Blackham)

This bill imposes penalties on a health maintenance organization that violates the access to rural health care providers statute and makes the Public Employees Health Plan subject to the access to rural health care providers statute.

This bill:

- ▶ imposes penalties on a health maintenance organization that violates the access to rural health care providers statute;
- ▶ gives the commissioner rulemaking authority to enforce the statute;
- ▶ makes the Public Employees Health Plan subject to the access to rural health care provider statute; and
- ▶ amends the definition of independent hospital to

include a critical access hospital.

Not Passed

- H.B. 272** Health Insurance Act - Rate Limitations
H.B. 351 Task Force Studying Private Sector Approaches to Covering the Uninsured
S.B. 164 Amendments to the Utah Comprehensive Health Insurance Pool
S.B. 197 Health Insurance - Contraceptive Equity Amendments
S.B. 216 Health Provider Reimbursement Amendments
S.B. 221 Maternity Health Care

HEALTH PROVIDERS/PROFESSIONS

H.B. 29 *Utah Telehealth Commission Amendments* (Rep. B. Dee)

This bill changes the name of the Utah Telehealth Commission to the Utah Digital Health Service Commission to better reflect the role of the commission in the digitization of medicine.

This bill:

- ▶ amends the name of the Utah Telehealth Commission to the Utah Digital Health Service Commission.

H.B. 70 *Geriatric Care Managers* (Rep. R. Lockhart)

This bill amends the Nurse Practice Act to certify licensed practical nurses who have additional training in long-term care nursing as geriatric care managers.

This bill:

- ▶ defines a geriatric care manager and the practice of geriatric care management;
- ▶ creates a pilot program for certification of geriatric care managers;
- ▶ specifies qualifications for geriatric care managers;
- ▶ amends provisions related to unlawful conduct to incorporate geriatric care managers;
- ▶ establishes standards for geriatric care manager training;
- ▶ sunsets the Geriatric Care Manager Pilot Program on July 1, 2007;
- ▶ requires a study of the necessity of registered health care assistants; and
- ▶ makes technical changes.

H.B. 148 *Optometry Amendments* (Rep. B. Last)

This bill amends the Utah Optometry Practice Act.

This bill:

- ▶ amends definitions;
- ▶ amends provisions related to unlawful conduct; and
- ▶ amends provisions related to the sale of contact lenses by removing the prohibition against offering contact lenses as premiums.

H.B. 249 *Nursing Care Facility Medicaid Certification Amendments* (Rep. R. Lockhart)

This bill amends the procedure used by the Department of Health to certify nursing care facilities for Medicaid reimbursement.

This bill:

- ▶ defines terms;
- ▶ prohibits the department from certifying any additional beds for Medicaid reimbursement unless certain criteria are met;
- ▶ establishes the criteria for certifying additional beds for Medicaid reimbursement;
- ▶ provides an appeal process when the department rejects a request for additional Medicaid beds; and
- ▶ provides rulemaking authority.

S.B. 34 *Occupational Therapists Amendments* (Sen. G. Davis)

This bill modifies provisions on licensure of occupational therapists and occupational therapist assistants.

This bill:

- ▶ modifies the names of national accreditation and certification entities to reflect recent name changes made at the national level; and
- ▶ makes certain technical changes.

S.B. 43 *Recreational Therapy Practice Amendments* (Sen. G. Davis)

This bill modifies provisions of the Recreational Therapy Practice Act.

This bill:

- ▶ provides a definition for assessment and modifies the definitions of practice recreational therapy, treatment plan, and unprofessional conduct;
- ▶ modifies licensing requirements for master therapeutic recreational specialists, therapeutic recreational specialists, and therapeutic recreational technicians;
- ▶ modifies the scope of practice of master therapeutic specialists and therapeutic recreational technicians;
- ▶ modifies the content of a recreational therapy treatment or intervention plan; and
- ▶ repeals exemptions from licensure to engage in the practice of recreational therapy.

S.B. 70 *Health Care Facility Licensing Exemption* (Sen. J. Hickman)

This bill amends the Health Care Facility Licensing and Inspection Act.

This bill:

- ▶ authorizes the Department of Health to exempt certain end-of-life health care facilities from the licensing and inspections of Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, by administrative rule.

**S.B. 107 *Advanced Practice Registered Nurse
Modifications* (Sen. P. Knudson)**

This bill enacts the Advanced Practice Registered Nurse Compact and makes modifications to related provisions dealing with advanced practice registered nurses.

This bill:

- ▶ enacts a compact that ensures and encourages the cooperation of party states in the areas of APRN licensure/authority to practice and regulation, including promotion of uniform licensure requirements;
- ▶ provides, under the compact, for the recognition, limitation, and revoking of multistate advanced practice privileges;
- ▶ provides an application process, under the compact, for APRN licensure/authority to practice in a party state;
- ▶ provides, under the compact, for adverse action affecting the multistate advanced practice privilege;
- ▶ grants authority to the Division of Occupational and Professional Licensing, under the compact, to recover costs resulting from adverse actions taken against an APRN and issue cease and desist orders;
- ▶ provides, under the compact, for participation in a cooperative effort to create a coordinated licensure information system of all APRNs; and
- ▶ repeals licensure by endorsement as an advanced practice registered nurse.

S.B. 114 *Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs* (Sen. P. Knudson)

This bill repeals the current Pharmacy Practice Act and enacts a new Pharmacy Practice Act.

This bill:

- ▶ amends the definition of unlawful and unprofessional conduct to include prescribing a drug or device without a diagnosis or a bona fide patient-practitioner relationship;
- ▶ enacts a new Pharmacy Practice Act and includes:
 - definitions;
 - administrative inspections;
 - board membership, qualifications, and terms;
 - license classifications for pharmacy facilities;
 - qualifications for licensure as a pharmacist;
 - qualifications for licensure as a pharmacy intern;
 - qualifications for licensure as a pharmacy technician;
 - qualifications for licensure as a pharmacy;
 - criminal background checks;
 - terms of license;
 - exemptions from licensure;
 - continuing education;
 - grounds for denial of licensure;
 - provisions related to unlawful and unprofessional conduct;
 - regulation of the practice of pharmacy operating

standards; and

- provisions related to incapacitated pharmacists;
- ▶ amends the sunset date of the Pharmacy Practice Act to July 1, 2014; and
- ▶ makes technical amendments.

S.B. 160 *Controlled Substances Act Amendments* (Sen. P. Julander)

This bill repeals the requirement for practitioners to have a separate controlled substance license at each principal place of business, and amends prescription labeling requirements.

This bill:

- ▶ repeals the requirement for those licensed to prescribe and administer controlled substances listed in Schedules I through V to have a separate license at each principal place of business or professional practice; and
- ▶ removes the prescription label provision that required the pharmacist's personal name to be on the label.

S.B. 245 *Medical Dispute Resolution Amendments* (Sen. L. Blackham)

This bill amends provisions related to the resolution of medical malpractice disputes.

This bill:

- ▶ requires notice to a patient regarding:
 - the patient's right to legal counsel in any arbitration proceeding; and
 - an arbitration agreement may not apply to errors and omissions that occurred prior to the date of the arbitration agreement without a specific agreement from the patient;
- ▶ changes the time for rescinding an arbitration agreement from 30 days to ten days;
- ▶ clarifies that medical arbitration agreements are subject to the Uniform Arbitration Act;
- ▶ provides that a patient may require:
 - mandatory mediation before arbitration;
 - retention of jointly selected arbitrators for both the liability and damages part of arbitration when they are bifurcated; and
 - the filing of an arbitration award in district court; and
- ▶ prohibits a health care provider from denying health care to a patient on the sole basis that the patient refused to sign an arbitration agreement.

S.B. 249 *Defining Practice of Chiropractic Physician* (Sen. D. C. Butters)

This bill clarifies that a chiropractic physician may practice acupuncture without being licensed under the Acupuncture Licensing Act.

This bill:

- ▶ clarifies that a chiropractic physician may practice acupuncture without being licensed under the Acupuncture Licensing Act; and
- ▶ requires a study during the 2004 interim.

Not Passed

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| H.B. 127 | Certified Medication Aide |
| H.B. 227 | Midwife Certification Act |
| H.B. 257 | Electro Shock Therapy Amendments |
| H.B. 331 | Choice in Health Care |
| H.B. 340 | Clarification of use of Acupuncture |
| S.B. 35 | Pharmacist Technician Exemption |
| S.B. 64 | Rural Health Care Initiative |
| S.B. 117 | Medical Arbitration Agreement Amendments |
| S.B. 189 | Nurse Practice Act Amendments |
| S.B. 226 | Health Care Malpractice - Dispute Resolution |

LOCAL AUTHORITIES/DEPARTMENTS**S.B. 155** *County Mental Health Amendments (Sen. G. Davis)*

This bill amends provisions related to the Local Mental Health and Local Substance Abuse Authority.

This bill:

- ▶ adds a representative of the legislative body of each participating county to the advisory council;
- ▶ requires the county legislative body to approve the funding and service delivery plan for the local authority; and
- ▶ restricts use of public funds to purposes authorized in the mental health or substance abuse plan.

MEDICAID**H.B. 86** *Primary Care Network Amendments (Rep. K. Holdaway)*

This bill reduces the annual fee for the primary care network to \$25 per year for those people that fall below 50% of the federal poverty level.

This bill:

- ▶ reduces the annual fee an enrollee must pay for the primary care network to \$25 per year if the enrollee has an annual income that is below 50% of the federal poverty level.

S.B. 30 *Medical Benefits Recovery Act Amendments (Sen. S. Killpack)*

This bill amends the Medical Benefits Recovery Act, the Workers' Compensation Act, and the Utah Uniform Probate Code to assist the Office of Recovery Services and Department of Health to recover on liens for medical assistance.

This bill:

- ▶ amends definitions;
- ▶ clarifies the Department of Health's recovery of medical assistance benefits by lien;
- ▶ amends notice provisions related to medical assistance recovery;
- ▶ clarifies the statute of limitations related to recovery from estates and trusts;
- ▶ requires a third party to notify the Department of Health of applicable insurance policy provisions

relied upon by the third party to deny the department's claim or lien;

- ▶ provides for third party use and acceptance of electronic claims records;
- ▶ amends estate and trust recovery for medical assistance;
- ▶ subjects worker's compensation claims and benefits to recovery for medical assistance;
- ▶ amends provisions for notice to creditors to include the Office of Recovery Services on behalf of the Department of Health in certain circumstances;
- ▶ repeals the restriction on the release of medical billing information as preempted by federal privacy laws; and
- ▶ makes technical changes.

S.B. 128 *Long-term Care Facilities Amendments (Sen. L. Blackham)*

This bill enacts the Nursing Care Facility Assessment Act to improve the Medicaid reimbursement rate for care given to the elderly and the physically disabled in nursing care facilities.

This bill:

- ▶ designates the Department of Health as the collecting agent for the nursing care facility assessment; and
- ▶ enacts the Nursing Care Facility Assessment Act which includes:
 - definitions;
 - collection, remittance, and payment of the nursing care facility assessment;
 - penalties for nonpayment or underpayment of the assessment;
 - the creation of a restricted account; and
 - adjustments to the nursing care facility Medicaid reimbursement rate under certain circumstances.

Not Passed

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| H.B. 244 | Amendments to Asset Testing for medicaid |
| S.B. 244 | Medicaid Amendments |

MENTAL HEALTH**H.B. 174** *Forensic Mental Health Amendments (Rep. J. Seitz)*

This bill amends provisions regarding the Utah forensic mental health facility.

This bill:

- ▶ includes persons who are undergoing competency evaluations as members of the facility population;
- ▶ includes persons ordered to commit themselves for treatment at the Utah State Hospital as a condition of probation or stay of sentence;
- ▶ deletes language giving the Department of Corrections security responsibility for the facility;
- ▶ specifies that security functions shall be directed by the executive director; and

- ▶ makes technical changes.

S.B. 86 *Mental Health Professional Practice Act Amendments* (Sen. D. C. Buttars)

This bill amends the Mental Health Professional Practices Act to permit a social worker to receive an externship license and extends the time of an externship license for social workers, marriage and family therapists, and professional counselors from one year to three years.

This bill:

- ▶ amends the Mental Health Professional Practices Act to permit a social worker to receive an externship license and extends the time of an externship license for social workers, marriage and family therapists, and professional counselors from one year to three years.

Not Passed

H.B. 101 Mental Health Services Coordinator

H.B. 264 Improving Mental Health Services to the Deaf and Hard-of-hearing Task Force

H.B. 334 System of Care Pilot Program

MISCELLANEOUS

H.B. 1 *Supplemental Appropriations Act* (Rep. R. Bigelow)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2003 and ending June 30, 2004.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital

H.B. 3 *Supplemental Appropriations Act II* (Rep. R. Bigelow)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2004 and ending June 30, 2005 and beginning July 1, 2003 and ending June 30, 2004.

H.B. 37 *Sunset Reauthorizations* (Rep. G. Curtis)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2005 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes state entities and programs that are scheduled to sunset before the 2005 Annual General Session.

H.B. 231 *Review and Approval of Federal Monies Received by the State* (Rep. C. Bennion)

This bill establishes procedures for review and approval of state agency efforts to obtain federal funds or participate in federal programs.

This bill:

- ▶ requires that the governor approve all requests for federal funds originating in executive branch agencies;
- ▶ requires the Judicial Council to approve all requests for federal funds originating in judicial branch agencies;
- ▶ requires that the Executive Appropriations Committee review and approve certain federal funds requests;
- ▶ requires that the Legislature review and approve certain federal funds requests;
- ▶ requires that the appropriations subcommittees and the Executive Appropriations Committee review certain federal funds requests;
- ▶ establishes remedies if state agencies fail to obtain appropriate approvals; and
- ▶ makes technical corrections.

S.B. 1 *Appropriations Act* (Sen. L. Blackham)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

This bill:

- ▶ provides base budgets for the use and support of certain state agencies;
- ▶ provides base budgets for other purposes as described;
- ▶ provides intent language;
- ▶ approves internal service fund employment levels and capital acquisition amounts;
- ▶ authorizes rates and fees.

S.B. 22 *Administrative Rules Reauthorization* (Sen. H. Stephenson)

This bill requires legislative action regarding administrative rules.

This bill:

- ▶ reauthorizes all state agency administrative rules.

S.B. 32 *Use of Asthma Medication by Pupils in School* (Sen. P. Arent)

This bill directs a public school to permit a student to possess and self-administer inhaled asthma medication if certain requirements are met.

This bill:

- ▶ directs a public school to permit a student to possess and self-administer prescription or nonprescription, inhaled asthma medication if:
 - the student's parent or guardian provides written authorization and an acknowledgment that the student is responsible for, and capable of, self-administering the asthma medication; and

- the student's health care provider provides a written statement indicating it is medically appropriate for the student to self-administer asthma medication and be in possession of asthma medication at all times; and
- ▶ requires the Utah Department of Health, in cooperation with the state superintendent of public instruction, to create forms for the parental and health care provider statements for the use by public schools.

S.B. 112 *Uniform Anatomical Gift Act Amendments*
(Sen. K. Hale)

This bill amends the Uniform Anatomical Gift Act to add eye and tissue banks to the list of anatomical gift options and to clarify requirements for notice to procurement organizations and consent for donations.

This bill:

- ▶ amends definitions;
- ▶ includes a restriction indicated on the Utah Donor Registry as a method in which an individual can refuse to make an anatomical gift;
- ▶ amends the list of anatomical gift options that must be included in the routine inquiry to include an eye bank and tissue bank;
- ▶ provides that an organ procurement organization must confirm in writing or verbally whether or not a patient is eligible to make an anatomical gift;
- ▶ permits a signature or verbal confirmation of consent to donate from the one having highest priority; and
- ▶ requires law enforcement who find an individual who is deceased to inform an organ procurement organization of the deceased next of kin, if known.

S.J.R. 10 *Master Study Resolution* (Sen. M. Waddoups)

This joint resolution of the Legislature gives the Legislative Management Committee items of study they may assign to the appropriate interim committee.

Not Passed

H.B. 362 Local Human Services Act

S.B. 45 Uniform Parentage Act

OBESITY

S.B. 214 *Prohibition of Obesity Lawsuits* (Sen. H. Stephenson)

This bill enacts the Commonsense Consumption Act.

This bill:

- ▶ provides manufacturers, packers, distributors, carriers, holders, sellers, marketers, and advertisers of food with immunity from civil liability for obesity and weight gain claims;
- ▶ allows an exception for food that does not meet state or federal standards; and
- ▶ requires that any actions commenced plead with

particularity the injury and the proximate cause.

Not Passed

H.B. 47 School Vending Machine Sales

PERSONS WITH A DISABILITY

H.B. 115 *Carson Smith Special Needs Scholarships* (Rep. J. M. Philpot)

This bill creates a program to award scholarships to students with disabilities who attend a private school.

This bill:

- ▶ specifies criteria for qualifying for a scholarship;
- ▶ specifies criteria for private schools to enroll scholarship students;
- ▶ specifies the amount, timing, and form of scholarship payments;
- ▶ requires the State Board of Education to make rules;
- ▶ gives the State Board of Education enforcement authority; and
- ▶ requires the Legislature to annually appropriate money from the General Fund for scholarship payments.

(H.B. 115 was vetoed by the governor)

H.B. 188 *Donation of Surplus Computers to Persons with a Disability* (Rep. C. Bird)

This bill amends surplus property services.

This bill:

- ▶ authorizes the transfer of state surplus information technology equipment to nonprofit entities for distribution to persons with a disability.

H.B. 241 *Commitment for Mental Retardation* (Rep. C. Bird)

This bill affects admission to a mental retardation facility.

This bill:

- ▶ repeals voluntary commitment of an adult with mental retardation to the Division of Services for People with Disabilities or a mental retardation facility or program;
- ▶ eliminates a discretionary delay of proceedings on a petition for reexamination of involuntary commitment;
- ▶ amends the duties of the Board of Services for People with Disabilities; and
- ▶ makes conforming amendments.

H.C.R. 2 *Individuals with Disabilities Education Act Resolution* (Rep. K. Holdaway)

This concurrent resolution of the Legislature and the Governor requests a mandate for special education funding.

This resolution:

- ▶ urgently requests the United States Congress to make special education funding mandatory and fulfill its

commitment to provide funding at the 40% level.

PHARMACEUTICALS

Not Passed

- H.B. 69** Pharmaceutical Cost Reduction Amendments
H.B. 267 Utah Pharmaceutical Insurance Program
H.B. 350 Consumer Access to Prescription Drug Pricing Data

PUBLIC HEALTH

H.B. 48 *Collection of Information by Department of Health (Rep. D. Hogue)*

This bill amends the chronic disease monitoring provisions.

This bill:

- ▶ directs the Department of Health, beginning July 1, 2004, to monitor and detect incidences of lupus in the state.

Not Passed

- H.B. 281** Toxic Mold Disclosure

SUBSTANCE ABUSE

H.B. 123 *Drug Lab Cleanup and Disclosure (Rep. D. Litvack)*

This bill provides procedures for local health departments regarding property contaminated by illegal drug operations.

This bill:

- ▶ requires law enforcement agencies to report contaminated property locations to the local health department;
- ▶ requires the local health departments to make these reports available to the public, as advisory information only;
- ▶ requires the local health department to notify the property owner of the report, and also to notify the county or municipality if the property owner is not taking action regarding the contamination;
- ▶ directs the state Department of Health to make rules that include certification standards regarding the decontamination of contaminated property;
- ▶ requires the Department of Environmental Quality to establish a certification program for decontamination specialists;
- ▶ requires clean-up of contamination and certification that a contaminated property has been cleaned up;
- ▶ establishes a program to certify specialists who provide evaluation, sampling, and clean-up of contaminated properties; and
- ▶ includes in the real estate definition of stigmatized property that is not subject to disclosure, contaminated property that has been decontaminated.

Not Passed

- H.B. 185** Law Enforcement - Reporting Hazardous Materials Relating to Controlled Substances
H.B. 194 Commission on Criminal and Juvenile Justice Membership
S.B. 21 Drug Offenders Reform Act

TOBACCO

H.B. 189 *Tobacco Compliance Amendments (Rep. D. Hogue)*

This bill amends the Model Tobacco Settlement Act and the Cigarette and Tobacco Tax and Licensing Act.

This bill:

- ▶ modifies escrow requirements for tobacco manufacturers who have not participated in the Master Settlement Agreement;
- ▶ authorizes the State Tax Commission to require that Qualified Escrow Fund deposits be made quarterly;
- ▶ requires a nonparticipating manufacturer to certify compliance with Qualified Escrow Fund requirements;
- ▶ modifies brand reporting requirements for tobacco manufacturers;
- ▶ authorizes the State Tax Commission to recover particular tobacco enforcement costs; and
- ▶ amends a definition within the Model Tobacco Settlement Act.

H.B. 202 *Mail Order Tobacco Sales Amendments (Rep. E. Hutchings)*

This bill requires a cigarette retailer who sells cigarettes by mail order to require a postal authority or common carrier who delivers the cigarettes to verify the age of the person who accepts delivery of the mail order cigarettes in order to meet the requirement of a face-to-face exchange for the sale of tobacco products in the state.

This bill:

- ▶ requires a cigarette retailer who sells cigarettes by mail order to require a postal authority or common carrier who delivers the cigarettes to verify the age of the person who accepts delivery of the mail order cigarettes in order to meet the requirement of a face-to-face exchange for the sale of tobacco products in the state.

H.B. 260 *Tobacco Fund Allocation Amendments (Rep. J. Seitz)*

This bill amends the percentage of tobacco settlement funds deposited in the restricted account and in the permanent state trust fund.

This bill:

- ▶ changes the percentage of tobacco revenue deposited into the Tobacco Settlement Restricted Account to 70% of the revenues received by the state from July 1, 2004 through July 1, 2006, and to 55% after July 1,

2006; and

- ▶ changes the percentage of tobacco revenue deposited into the state's permanent state trust fund to 30% of the revenue received by the state from July 1, 2004 until July 1, 2006, and to 45% after July 1, 2006.

H.B. 279 *Counterfeit Tobacco Products* (Rep. E. Hutchings)

This bill amends the Cigarette and Tobacco Tax and Licensing Act.

This bill:

- ▶ adds definitions;
- ▶ amends provisions related to place of business and license requirements;
- ▶ changes penalties for selling in violation of the chapter;
- ▶ provides for taxation of cigarettes purchased by nontribal members on Indian lands;
- ▶ amends stamping procedures; and
- ▶ amends provisions related to unstamped cigarettes.

H.B. 312 *Nonparticipating Tobacco Manufacturer's Fee* (Rep. D. Ure)

This bill modifies the Cigarette and Tobacco Tax and Licensing Act by imposing an equity assessment on nonparticipating manufacturer cigarettes.

This bill:

- ▶ defines terms;
- ▶ levies an equity assessment of 1.75 cents per cigarette on nonparticipating tobacco product manufacturers; and
- ▶ designates cigarettes in violation of this section as contraband goods.

H.B. 330 *Allocation of Tobacco Fund Amendments* (Rep. D. Peterson)

This bill amends the percentage of tobacco settlement funds deposited in the permanent state trust fund.

This bill:

- ▶ changes the percentage of tobacco revenue deposited into the Tobacco Settlement Restricted Account to 70% of the revenues received by the state from July 1, 2004 through July 1, 2006, and to 55% after July 1, 2006; and
- ▶ deposits 30% of the money received by the state from tobacco settlement money in fiscal year 2004-05 only into the state's General Fund Budget Reserve Account.

UNINTENTIONAL INJURIES

Not Passed

H.B. 176 Child Restraint Safety Devices

S.B. 36 Prevention of Child Access to Firearms